Request for Reconsideration & Claim Status

The non-final Office action mailed on 20 June 2006 has been considered carefully. Reconsideration of the claimed invention in view of any amendments above and the discussion below is respectfully requested.

Claim 14-16 were canceled previously.

Claims 1-13 and 17-19 are pending.

Allowability of Claims Over Joshi & Krause

Rejection Summary

Claims 1-13 and 17-19 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2004/0203838 (Joshi) in view of U.S. Patent No. 6,058,319 (Krause).

Allowability of Claim 1

Regarding Claim 1, the prior art fail to disclose or suggest a

> ... method in a wireless communications device that allocates neighbor signals to a candidate set, the method comprising:
> determining a number of signals in an active set;
> allocating signals to the candidate set more quickly when the number of signals in the active set is less than a threshold number than when the number of signals in the active set is greater than the threshold number.

The various passages of Joshi referenced by the Examiner do not support the asserted rejection. At paras. [0065-70], Johsi discusses the

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conditions (e.g., number of active set base stations, S/N threshold condition, among others) on which off-frequency searching is performed. In Joshi, however, the conditions on which off-frequency searching is performed are unrelated (not related) to whether signals are allocated to the active set. At para. [0059], Joshi specifically discloses that signal are promoted to, or demoted from, the active set based on whether the signal energy satisfies add or drop energy thresholds. In Joshi, the promotion/demotion of signals to the active set is not based on the conditions used to determine whether off-signal searching is performed. Joshi is silent on how quickly signals are added to the active set. In Joshi, at para. [0065], the number of signals in the active set relates only to the criticality of the need for off-frequency searching; not to the criticality of adding signals to the active set.

The Examiner's reliance on Krause is unclear. At col. 2, line 66 – col. 3, line 5, Krause merely discusses quickly and reliably determining and promoting strong neighbor pilots to a candidate set. Krause however does not specify the conditions on which the signals are promoted to the candidate set. Joshi and Krause nevertheless fail to disclose allocating signals to the active set more or less quickly based on the number of signals in the active set. Claim 1 is thus patentably distinguished over the art.

Allowability of Claim 9

Regarding Claim 9, the prior art fail to disclose or suggest a

> ... method in a wireless communications device that allocates neighbor signals to a candidate set based on criteria considered over at least one scanning period, the method comprising:
> determining a number of signals in an active set;

when the number of signals in the active set is greater than a threshold number, allocating neighbor signals to the candidate set using criteria considered over more than one scanning period;

when the number of signals in the active set is less than the threshold number, allocating neighbor signals to the candidate set using criteria considered over fewer scanning periods than when the number of signals in the active set is greater than the threshold number.

The Examiner's reliance on Joshi and Krause for the rejection of Claim 9 is misplaced since Claim 9 does not specify how quickly signals are added to the active set. At paras. [0065-70], Johsi discusses the conditions (e.g., number of active set base stations, S/N threshold condition, among others) on which off-frequency searching is performed. In Joshi, however, the conditions on which off-frequency searching is performed are unrelated (not related) to whether signals are allocated to the active set. At para. [0059], Joshi specifically discloses that signal are promoted to, or demoted from, the active set based on whether the signal energy satisfies add or drop energy thresholds. In Joshi, the promotion/demotion of signals to the active set is not based on the conditions used to determine whether off-signal searching is performed.

At col. 2, line 66 – col. 3, line 5, Krause merely discusses quickly and reliably determining and promoting strong neighbor pilots to a candidate set. Krause however does not specify the conditions on which the signals are promoted to the candidate set. Joshi and Krause are nevertheless silent on the number of scanning periods over which the criteria for allocating signals to the candidate set is considered. Claim 9 is thus patentably distinguished over the art.

Allowability of Claim 17

Claim 17 was amended for clarity. The prior art fail to disclose or suggest a

> ... method in a wireless communications device that allocates neighbor signals to a candidate set, the method comprising:
> allocating signals to the candidate set based on signal allocation criteria;
> dynamically changing the signal allocation criteria based on either a number of signals in an active signal set or on a signal quality of a strongest signal in the active signal set.

The Examiner's reliance on Joshi and Krause for the rejection of Claim 17 is misplaced since Claim 17 does not specify how quickly signals are added to the active set. At paras. [0065-70], Johsi discusses the conditions (e.g., number of active set base stations, S/N threshold condition, among others) on which off-frequency searching is performed. In Joshi, however, the conditions on which off-frequency searching is performed are unrelated (not related) to whether signals are allocated to the active set. At para. [0059], Joshi specifically discloses that signal are promoted to, or demoted from, the active set based on whether the signal energy satisfies add or drop energy thresholds. In Joshi, the promotion/demotion of signals to the active set is not based on the conditions used to determine whether off-signal searching is performed.

At col. 2, line 66 – col. 3, line 5, Krause merely discusses quickly and reliably determining and promoting strong neighbor pilots to a candidate set. Krause however does not specify the conditions on which the signals are promoted to the candidate set. Joshi and Krause are nevertheless fail to

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disclose or suggest dynamically changing the signal allocation criteria based on at least one of a number of signals in an active signal set and on a signal quality of a strongest of signal in the active signal set. Claim 17 is thus patentably distinguished over the art.

Prayer For Relief

In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ R K Bowler /

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